

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PEDRO RODRIGUEZ,

Case No. 3:23-cv-00031-MMD-CLB

Petitioner,

ORDER

v.

WILLIAM REUBART, *et al.*,

Respondents.

This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Pedro Rodriguez, an individual incarcerated at Nevada's Ely State Prison and sentenced to death. On January 25, 2023, Rodriguez submitted for filing a *pro se* habeas petition and exhibits in support of the petition (ECF Nos. 1-1 through 1-34), an application to proceed *in forma pauperis* (ECF No. 1), and a motion for appointment of counsel (ECF No. 2).

It appears from the information provided in Rodriguez's application to proceed *in forma pauperis* that there is good cause to grant Rodriguez *in forma pauperis* status for this capital habeas corpus action. The Court will grant Rodriguez's *in forma pauperis* application and will not require payment of the filing fee for this action.

The information provided in Rodriguez's *in forma pauperis* application shows that he lacks the resources necessary to employ counsel for this capital habeas corpus action. Therefore, pursuant to 18 U.S.C. § 3599, and in the interests of justice, the Court will appoint the Federal Public Defender for the District of Nevada ("FPD") to represent Rodriguez. If the FPD is unable to represent Rodriguez, due to a conflict of interest or other reason, then alternate counsel will be appointed. Rodriguez's appointed counsel will represent him in all subsequent proceedings, pursuant to 18 U.S.C. § 3599(e), unless and until allowed to withdraw.

1 The Court has examined Rodriguez's petition for writ of habeas corpus pursuant
2 to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts
3 and will direct the Clerk of the Court to serve the petition upon Respondents.

4 It is therefore ordered that Petitioner's Application to Proceed *in forma pauperis*
5 (ECF No. 1) is granted. Petitioner is granted leave of Court to proceed *in forma pauperis*.
6 Petitioner will not be required to pay the filing fee for this action.

7 It is further ordered that the Clerk of Court is directed to separately file Petitioner's
8 Petition for Writ of Habeas Corpus and supporting exhibits (ECF Nos. 1-1 through 1-32).

9 It is further ordered that Petitioner's Motion for Appointment of Counsel (ECF No.
10 2) is granted. The Federal Public Defender for the District of Nevada ("FPD") is appointed
11 to represent Petitioner. The FPD will have 30 days from the date of entry of this order to
12 file a notice of appearance as counsel for Petitioner or to file a notice of inability to
13 represent Petitioner in these proceedings.

14 It is further ordered that the Clerk of Court is directed to electronically serve a copy
15 of this order on the Federal Public Defender for the District of Nevada.

16 It is further ordered that the Clerk of Court is directed to add Aaron Ford, Attorney
17 General of the State of Nevada, as counsel for Respondents and to provide Respondents
18 an electronic copy of all items previously filed in this case by regenerating the Notice of
19 Electronic Filing to the office of the Attorney General only.

20 It is further ordered that Respondents' counsel will have 30 days from the date of
21 this order to file a notice of appearance, but Respondents will not be required to take any
22 further action in this case unless and until ordered to do so.

23 DATED THIS 25th Day of January 2023.

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26 MIRANDA M. DU
27 CHIEF UNITED STATES DISTRICT JUDGE
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